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on the Elimination
of all Forms of
Racial Discrimination

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COMMITTEE ON THE ELIMINATION
OF RACIAL DISCRIMINATION
Forty-eighth session

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 9 OF THE CONVENTION

Concluding observations of the Committee on
the Elimination of Racial Discrimination

Zimbabwe

1. The Committee considered the initial report of Zimbabwe (CERD/C/217/Add.1) at its 1131st and 1132nd meetings (CERD/C/SR.1131-1132), held on 27 and 28 February 1996, and at its 1149th meeting, held on 11 March 1996, adopted the following concluding observations.

A. Introduction

2. The Committee commends the State Party on the quality of its initial report prepared in accordance with the Committee's guidelines for the preparation of State Party reports. The Committee notes with appreciation the high-level representation sent to discuss the report, which serves as an indication of the importance attached by the Government of Zimbabwe to its obligations under the Convention, and for the open, comprehensive and constructive approach which characterized the dialogue with the delegation. The Committee also expresses its appreciation to the State Party's delegation for additional information that it provided to the Committee orally and in writing. The Committee also notes with satisfaction the submission by Zimbabwe of the core document (HRI/CORE/1/Add.55).

3. It is noted that the State Party has not made the declaration provided for in article 14 of the Convention; some members of the Committee requested that the possibility of making such declaration be considered.

B. Factors and difficulties impeding the implementation of the Convention

4. It is noted that Zimbabwe was ruled prior to 1980 by a non-recognized and non-democratic government. Under that regime, racist laws and policies were adopted and implemented by the authorities for the benefit of the ethnic white minority. Most of the population lived for a long period under a regime of racial segregation and discrimination. During the same period, Rhodesia (now Zimbabwe) faced economic and diplomatic sanctions, imposed by the international community. The State Party's full compliance with the principles and provisions of the Convention has therefore to be seen as a process of progressive implementation.

C. Positive aspects

5. The record of the governments in power since the independence of Zimbabwe (18 April 1980) in progressively building up democracy, justice, security, tolerance and stability in the country is noted with great appreciation. In the same spirit, it is observed that the Government's policy of national conciliation has been in great part successful.

6. The fact that, through its policies and in the framework of its Constitution, the Government is actively fighting intolerance and any form of racial discrimination is also welcomed.

7. Satisfaction is expressed concerning the land resettlement programmes undertaken by the authorities, inter alia, to provide land to the landless and displaced persons and to support and promote emergent black large-scale commercial farming and a more balanced racial composition of the large-scale commercial sector.

8. The establishment in 1994 of the Inter-Ministerial Committee on Human Rights and Humanitarian Law is welcomed. Note is taken that this Committee will be responsible for both the dissemination of the State Party report and the Committee's concluding observations, as well as the follow-up to the Committee's recommendations.

9. The establishment of the Office of Ombudsman in 1982 was a positive move. The recent proposal that the Parliament should broaden the mandate of the Ombudsman by giving him the authority to investigate alleged human rights violations by members of the army, the police and other law enforcement agencies is welcomed.

D. Principal subjects of concern

10. Concern is expressed at the absence of specific legislation to prevent and combat all forms of racial discrimination, in compliance with article 4 of the Convention.

11. Concern is expressed that parallel systems of private schools for pupils whose parents who can afford them and public schools for others results in a racially segregated school system.

12. It is a matter of concern that not all the minority languages are used in the existing education programmes.

13. The persisting existence of a dual legal system regulating, inter alia, the areas of marriage and inheritance is a serious concern. This situation, in some cases, can lead to unequal treatment between Blacks and Whites. For example, the descendants of Blacks who die intestate inherit according to customary law while Whites inherit according to general law.

14. Concern is expressed about the lack of information on the educational attainments of ethnic groups at the primary, secondary and university levels. More information is also needed on land distribution by ethnicity, and the registration of complaints and court cases related to racial discrimination.

15. With regard to article 7 of the Convention, the Committee is concerned about the absence of educational programmes for the prevention of racial discrimination.

E. Suggestions and recommendations

16. The Committee emphasized that the State Party must comply with its obligations under article 4 of the Convention and recommends strongly that it adopt appropriate legislation in order to give effect to the provisions of that article.

17. The Committee recommends that steps be taken, by the Government and by the schools themselves, to reduce the deleterious consequences of the racial segregation created by the parallel systems of public and private schools.

18. With regard to the protection and promotion of the rights of ethnic minorities, the Committee encourages the State Party to take all necessary measures to provide mother-tongue teaching in the areas where minorities live in substantial numbers.

19. The Committee recommends that the dual legal system regulating marriage and inheritance be revised in an appropriate manner, and if necessary unified, to avoid potential areas of unequal treatment between the races.

20. The Committee suggests that the State Party consider incorporating teaching about human rights into the school curricula with a view to promoting the prevention of racial discrimination.

21. More quantitative information is requested in the next report concerning the programmes of land distribution and on the number of complaints and court cases related to racial discrimination that have been registered recently by the State Party.

22. The Committee also recommends that the next periodic report contain complete information on complaints concerning sentences imposed for racial or ethnic discrimination.

23. The Committee recommends that the State Party ratify the amendments to article 8, paragraph 6, of the Convention, adopted at the 14th meeting of States Parties.

24. The Committee suggests that the State Party ensure, through its Inter-Ministerial Committee on Human Rights and Humanitarian Law, the dissemination of the initial report, the summary records of the discussion and the concluding observations adopted thereon.

25. The Committee recommends that the State's Party next periodic report be comprehensive in character and that it address all the points raised in these concluding observations.